IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 13880 of 1996

Between:

P.S.S.L.Ganapathi S/o.Ramachandram
R/o.G.Kothapalli Dwaraka Tirumala Mandal
W.G.Dist.

..... PETITIONER

AND

1 The Mullukunta Primary Agricultural Cooperative Society Ltd, Mullukunta, rep.by its Secretary ,T.Narasarapuram Mandal,West Godavari Dist
2 The Mullukunta Primary Agricultural Cooperative Society Ltd Mullukunta rep.by its President, ,T.Narasarapuram Mandal,West Godavari Dist
3 The Deputy Registrar of Co-operative Societies-cum-The Divisional Co-operative officer Ashoknagar Eluru, W.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction, more particularly one in the nature of Writ of Mandamus declaring the 2nd respondent's order dated 25-6-96 is illegal, arbitrary and is in voilation of Principles of natural justice, contrary to the by-laws of the society and unconstitutional and direct the respondents to reinstate the petitioner in service as a clerk in the respondent's society.

Counsel for the Petitioner:MR.M.V.DURGA PRASAD

For the Respondents Nos.1 and 2: MR.K.G.KRISHNA MURTHY

For the Respondent No.3 : The Government Pleader for Corporation

The Court made the following :

ORDER:

The Mullukunta Primary Agricultural Co-operative Society Limited (for short MPACS) by proceedings dated 25-6-1996 removed the petitioner from the service of the MPACS. Earlier, the MPACS issued a charge memo dated 24-4-1996 against the petitioner listing out three articles of charge. The allegations pertain to wrongful spending of MPACS amounts, non repayment of the amounts due to the MPACS, notwithstanding a surcharge order and collecting money (bribes) from the members of MPACS while disbursing loans to them. The petitioner submitted an explanation dated 4-5-1996. The general body of MPACS considered the material and the managing committee of MPACS in its resolution dated 24-5-1996 unanimously resolved that the petitioner be removed from the service of the MPACS. Consequently the impugned order was issued. The petitioner, a clerk in the MPACS has assailed this order of removal in the writ petition.

2. It is neither pleaded, urged or demonstrated before this court that the MPACS is 'State' within the meaning of Article 12 of Constitution of India. An order of removal from the service of the MPACS, imposed on the petitioner involves no rights of the petitioner adjudicable in a public law proceeding under Article 226 of Constitution of India.

3. The writ petition is not maintainable and is accordingly dismissed. There shall be no order as to costs.

16-08-2004

sh/pvks

To

1. The Secretary, The Mullukunta Primacy Agricultural Co-operative Society Limited, Mullukunta, T.Narasapuram Mandal, West Godavari District.

2. The President, Mullukunta Primary Agricultural Co-operative Society Limited, Mullukunta, T.Narasapuram Mandal, West Godavari District.

3. The Deputy registrar of Co-operative Societies-cum-The Divisional Co-operative Officer, Ashoknagar, Eluru, West Godavari District.

4. 2 CCs to the Government Pleader for corporation, High Court of A.P., Hyderabad. (out)

5. 2CD copies

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 13880 of 1996

Dated:16-08-2004